

RENTON CITY COUNCIL  
Regular Meeting

December 4, 2000  
Monday, 7:30 p.m.

Council Chambers  
Municipal Building

MINUTES

**CALL TO ORDER**

Mayor Jesse Tanner led the Pledge of Allegiance to the flag and called the meeting of the Renton City Council to order.

**ROLL CALL OF  
COUNCILMEMBERS**

DAN CLAWSON, Council President Pro Tem; DON PERSSON; KING PARKER; TERRI BRIERE; KATHY KEOLKER-WHEELER; TONI NELSON.

MOVED BY CLAWSON, SECONDED BY PERSSON, COUNCIL EXCUSE ABSENT COUNCILMEMBER RANDY CORMAN. CARRIED.

**CITY STAFF IN  
ATTENDANCE**

JESSE TANNER, Mayor; JAY COVINGTON, Chief Administrative Officer; LAWRENCE J. WARREN, City Attorney; MARILYN PETERSEN, City Clerk; GREGG ZIMMERMAN, Planning/Building/Public Works Administrator; SUE CARLSON, Economic Development Administrator; JIM SHEPHERD, Community Services Administrator; VICTORIA RUNKLE, Finance & Information Services Administrator; PAUL KUSAKABE, Fiscal Services Director; GAIL REED, Airport Supervisor; DEREK TODD, Assistant to the CAO; KAREN MARSHALL, Human Services Manager; SAM STAR, Principal Finance & Administrative Analyst; CHIEF GARRY ANDERSON, Police Department.

**APPROVAL OF  
COUNCIL MINUTES**

MOVED BY CLAWSON, SECONDED BY KEOLKER-WHEELER, COUNCIL APPROVE THE MINUTES OF NOVEMBER 20, 2000, AS PRESENTED. CARRIED.

MOVED BY CLAWSON, SECONDED BY KEOLKER-WHEELER, COUNCIL SUSPEND THE RULES AND ADVANCE TO CORRESPONDENCE AND AUDIENCE COMMENT. CARRIED.

**CORRESPONDENCE**

Citizen Comment: Olcott –  
Aeropacific Aviation Request  
to Operate Aircraft Charter at  
Airport

Correspondence was read from John W. Olcott, President, National Business Aviation Association, Inc., 1200 18th St. NW, Suite 400, Washington, DC, 20036, advising that any restriction on aircraft access to an airport raises complex issues. A legal memorandum was included with the correspondence which addressed the applicability of the Airport Noise and Capacity Act and the Federal Aviation Administration's (FAA) Part 161 requirements to airport leases.

Mayor Tanner commented that the City cannot restrict access to the airport; however, the City can determine whether or not to lease to operators based on whether they have equipment that meets the City's business goals.

Citizen Comment: Cebula –  
Aeropacific Aviation Request  
to Operate Aircraft Charter at  
Airport

Correspondence was read from Andrew V. Cebula, Vice President, National Air Transportation Association, 4226 King St., Alexandria, VA, 22302, expressing concern regarding reports that Renton is considering banning operations by certain aircraft at the Airport. Mayor Tanner emphasized that the City has never restricted access nor does the City propose to restrict access to any aircraft that wants to use the Renton Airport.

Citizen Comment: Various –  
Aeropacific Aviation Request  
to Operate Aircraft Charter at  
Airport

The following correspondence and electronic mail was read into the record in opposition to allowing Aerospace Aviation to operate an aircraft charter at the Renton Airport: Ruth Schilling, 247 Pelly Ave. N., Renton, 98055; Mary Jo Carlson, 215 NW 5th St., Renton, 98055; Ronnie and Roberta McDonald, 216

NW 5th St., Renton, 98055; Mary Wolfe, 2317 Camas Ave. NE, Renton, 98056; Karen Goto, 424 Seneca Ave. NW, Renton, 98055; Deena and Michael DeLappe, 702 N. 5th St., Renton, 98056; Theresa M. Sents, 211 NW 7th St., Renton, 98055 (and response to Ms. Sents from Councilmember Clawson); Mike O'Halloran, 4420 SE 4th St., Renton, 98059; John S. Tilton, 313 Williams Ave. N., Renton, 98055; Frank Abraham, 543 Whitworth Ave. S., Renton, 98055; Dewey and Lois Rancourt, 3724 Lake Washington Blvd. N., Renton, 98056; Mary Schultz, 150 Monterey Dr. NE, Renton, 98056; Sam Condeluci, 225 Logan Ave. S. #C384, Renton, 98055; Wanda Harkey, 1060 Redmond Ave. NE, Renton, 98056; Nicole Aloisio, 518 Williams Ave. N. #3, Renton, 98055; Randal South, 518 Williams Ave. N. #4, Renton, 98055; Victoria Kapetan, 1003 N. 33rd St., Renton, 98056; Inez P. Petersen, 3306 Lake Washington Blvd. N. #2, Renton, 98056. Objections included increased noise pollution; safety factors in the event toxic waste is transported; minimal economic benefit of proposal to local businesses and residents; approval would set a precedent for expanded jet activity in the future; increased City image problems associated with negative impacts from airport activity; decreased quality of life for residents of community; deterioration of property values and the need for compensation to residents; and expenses for residential sound-proofing. Other comments indicated objection to increased noise impact from Renton Airport to neighborhoods already located in flight patterns used by SeaTac Airport and Boeing field aircraft; potential increased vacancies in new apartments in the downtown area due to noise; and encouragement for jets to use other airports in non-residential areas.

The following correspondence and electronic mail was read into the record in support of the proposal: Michael T. Miller, 663 Bremerton Pl., Renton, 98059; Sheldon Greyell, 1300 N. 20th St. #F-2021, Renton, 98056; Sam Evans, 127 Logan Ave. S., Renton, 98055; Glenn A. Garrett, 1006 S. 30th Ct., Renton, 98055; Denis Law, Chairman of the Board, Greater Renton Chamber of Commerce, 300 Rainier Ave. N., Renton, 98055; William O. Wiles, 262 Union Ave. SE, Renton, 98055. Support comments indicated that newer business jets are quieter than piston driven airplanes; the city image would be enhanced as a city of commerce and further Renton's goals as a place for technology-driven business; Renton Airport needs to remain a vital part of the Northwest; and Aeropacific Aviation has agreed to voluntarily restrict hours of operation and type of aircraft allowed. Other opinions were that other noise intrusions have more impact on daily lives than airplane noise, and legislation which discriminates and prohibits a legitimate enterprise from conducting business in the City is not democratic nor proper.

#### **AUDIENCE COMMENT**

Citizen Comment: Whitfield – Aeropacific Aviation Request to Operate Aircraft Charter at Airport

MOVED BY CLAWSON, SECONDED BY PARKER, COUNCIL ALLOW MR. WHITFIELD, REPRESENTING AEROPACIFIC AVIATION, ADDITIONAL TIME TO SPEAK. CARRIED.

Ken Whitfield, CEO of Aeropacific Aviation, 15125 SE 145th Pl, Renton, 98059, summarized the activities his business will offer at the airport which include an aircraft charter service and advanced pilot training. Mr. Whitfield also described the type of newer, quieter jet aircraft he plans to use.

Responding to Council President Pro Tem Clawson's inquiry, Mr. Whitfield said although it is inconvenient, it is possible to use other airports in order to comply with the City's after-hours restrictions.

Responding to Councilman Persson, Mr. Whitfield affirmed that he voluntarily agrees to comply with the City's restrictions for hours of operation from 8 a.m. to 6 p.m. or 8 p.m., if requested by clients, Monday through Saturday; and not allow touch and go pilot training.

Citizen Comment: Various –  
Aeropacific Aviation Request  
to Operate Aircraft Charter at  
Airport

The following people spoke in opposition to allowing Aerospace Aviation to operate an aircraft charter at the Renton Airport: Garfield Peate, 3601 Lake Washington Blvd. N., Renton, 98056; Gerry Marsh, 437 Williams Ave. N. #107, Renton, 98055; Marleen Mandt, 1408 N. 26th St., Renton, 98056; Marge Richter, 300 Meadow Ave. N., Renton, 98055; Charlie Miller, 8310 S. 126th St., Seattle, 98178; Margaret Feaster, 264 Stevens Ave. NW, Renton, 98055, who also entered letters into the record. Comments related to noise impacts, including interruption of sleep and interference with conversations; direction of flight patterns; setting a precedent for expanded jet use in the future; deterioration of quality of life and property values resulting in reduced taxes to the City; and fear that the applicant will ignore restrictions in the future since FAA rules do not require them. Other comments indicated the possibility that Boeing will leave Renton upon discontinuation of the manufacture of model 737 and 757 airplanes resulting in increased space for increased jet activity. Speakers objected to a lack of information on the proposal, including frequency of flights, noise studies, potential environmental hazards, etc.; questioned FAA requirements; and suggested additional hearings and consultation with noise experts and the FAA be conducted before a final decision is made.

The following people spoke in support of the proposal: Melinda Evans, 17031 17th Ave. SE, Bothell, 98012; Mike Cline, 8028 S. 118th St., Seattle; Dave Kotker, 4339 134th Pl. SE, Bellevue, 98006; Paul Johnson, Federal Aviation Administration representative, 1601 Lind Ave. SW, Renton, 98055, Dan Burkhart, National Business Aviation Association, 10164 Meadow Glen Way E., Escondido, CA, 92026; Gary C. Pipkin, 1120 N. 38th St., Renton, 98056; Shane Carlson, 2117 NW 95th St., Seattle, 98117; Dale Hiltner, 2307 NE 4th St. A107, Renton, 98056; James Hurner, 659 Blaine Ave. NE, Renton, 98056; Bill Wiles, 262 Union Ave. SE, Renton, 98059. Comments in support suggested that noise could be mitigated by reaching agreements with operators of existing flight schools and the control tower to vary flight patterns, noting that a number of training schools use Renton airport, but only a small portion of touch and go training planes are based there. Other suggestions were to post placards on the field cautioning pilots about noise. It was pointed out that Federal grants provided for the Renton airport require airport availability based on reasonable terms and the City cannot discriminate among operators based on noise impacts; there have been no complaints regarding jet noise at Renton airport to date; and the newer jets are much quieter than prop planes.

The following speakers expressed their concerns regarding existing and additional airport noise, the impact of the airport on surrounding neighborhoods, lack of information presented at the meeting, and the lack of a business plan for the airport: Marcie Palmer, 2507 Pl. N., Renton, 98056; R. J. Hofford, 620 S. 29th Pl., Renton, 98055; Gordon Hale, 312 Stevens Ave. NW, Renton, 98055; Jim Fenner, 402 Seneca Ct. NW, Renton, 98055.

**RECESS**

MOVED BY NELSON, SECONDED BY KEOLKER-WHEELER, COUNCIL  
RECESS. CARRIED. Time: 8:38 p.m.

The meeting was reconvened at 8:45 p.m.; roll was called; all Councilmembers

present.

**AUDIENCE COMMENT  
(CONT)** Citizen Comment:  
Various – Aeropacific Aviation  
Request to Operate Aircraft  
Charter at Airport

The following people spoke in opposition to allowing Aerospace Aviation to operate an aircraft charter at the Renton Airport: Mary Wolfe, 2317 Camas Ave. NE, Renton, 98056; John Middlebrooks, 510 Seneca Ave. NW, Renton, 98055; Randal South, 518 Williams Ave. N. #4, Renton, 98055.

The following people spoke in support of the proposal: Jennifer Jorgenson, 205 S. Tobin. St., Renton, 98055; Denny Lensegrav, Community Relations Manager at Puget Sound Energy, PO Box 90868, Bellevue, who also entered a letter into the record; Thomas Little, 320 Maple Ave. NW, Renton, 98055; Michael Muma, 37030 204th Ave. SE, Auburn, 98092; Steve Tatham, 444 Cedar Ave. S., Renton, 98055; Wendy Hodson, 129 S. Tobin St., Renton, 98055.

The following speakers expressed their concerns regarding existing and future airport noise; the impact of the airport on surrounding neighborhoods; airport capacity; lack of information presented at the meeting; and the lack of a business plan for the airport: Bob Moran, 425 Wells Ave. S., Renton, 98055; John See, 438 Burnett Ave. S., Renton, 98055; Beverly Franklin, 537 Williams Ave. N., Renton, 98055; Steve Allington, 650 Duvall Ave., Renton, 98059; Kim Browne, 1003 N. 28th Pl., Renton, 98056; Victoria Plata, 800 SW 3rd Pl., Renton, 98055; Sylvia Nogaki, 4615 S. Alaska St., Seattle, 98118; Melanie Martin, 5418 S. Brandon St., Seattle; 98118.

**MOVED BY CLAWSON, SECONDED BY PARKER, COUNCIL SUSPEND THE RULES AND ADVANCE TO OLD BUSINESS. CARRIED.**

Citizen Comment: Corman –  
Aeropacific Aviation Request  
to Operate Aircraft Charter at  
Airport

At the request of Mayor Tanner, the following correspondence was read from Council President Corman, expressing his concern regarding the long-term effects of the airport operations on homeowners and businesses throughout the City. He recommended that this issue be kept in Committee until the public has had a chance to speak, an overall plan for the airport has been identified, and all of the foreseeable issues have been aired and resolved.

**OLD BUSINESS**  
Airport: Aeropacific Aviation  
Request to Operate Aircraft  
Charter at Airport

**MOVED BY NELSON, SECONDED BY PARKER, COUNCIL REFER THIS MATTER BACK TO THE TRANSPORTATION (AVIATION) COMMITTEE FOR FURTHER REVIEW.\***

Councilman Parker commented that he would like to have more information from the Federal Aviation Administration (FAA) regarding leases at the airport. He also expressed his concern regarding the length of time Aerospace Aviation has been waiting for a decision regarding its operating permit.

Councilman Persson and Clawson suggested that Council hire an airport noise expert to advise the Committee.

Councilwoman Keolker-Wheeler requested that Council be given all information related to this matter within the next week. Ms. Keolker-Wheeler also suggested the following: Transportation (Aviation) Committee meet with FAA staff to discuss noise and flight pattern change issues in an effort to expedite a response to Aeropacific Aviation's request; and establish a long-term airport business plan. Mayor Tanner stated that the administration would contact the FAA and arrange for a meeting with the Committee.

**MOVED BY PERSSON, SECONDED BY CLAWSON, COUNCIL AMEND THE MOTION TO AUTHORIZE THE ADMINISTRATION TO HIRE AN AIRPORT NOISE EXPERT TO ADVISE THE TRANSPORTATION**

**(AVIATION) COMMITTEE.\*\***

Responding to Councilwoman Keolker-Wheeler's concern regarding the cost of hiring a consultant, Councilman Clawson said that the Committee would come back to the full Council with a proposal regarding the consultant's fee.

Chief Administrative Office Jay Covington advised that the administration is willing to assist Council in hiring an outside consultant in addition to arranging a meeting with the FAA. Mr. Covington reiterated that although operators can choose to voluntarily comply, the City cannot restrict hours of operation and the type of aircraft used at the airport.

**\*\*AMENDMENT: ROLL CALL: FIVE AYES: PERSSON, BRIERE, KEOLKER-WHEELER, CLAWSON, NELSON; ONE NAY: PARKER. MOTION CARRIED.**

**\*MAIN MOTION AS AMENDED. CARRIED.**

Responding to Council inquiry, Airport Supervisor Gail Reed said that the north end of the runway was displaced 300 feet and the south end of the runway was displaced 340 feet so that a 300-foot safety area would be within airport property as required by the FAA.

Councilman Parker requested that the Transportation (Aviation) Committee be supplied with information regarding the percentage of operators at the airport that are recreational versus commercial.

**MOVED BY PERSSON, SECONDED BY CLAWSON, COUNCIL AUTHORIZE THE ADMINISTRATION TO DEVELOP AN AIRPORT BUSINESS PLAN.\***

Responding to Council inquiry, Planning/Building/Public Works Administrator Gregg Zimmerman stated that the administration would be able to develop a scope of work for the business plan within one to two weeks.

**\*MOTION CARRIED.**

**PUBLIC HEARINGS**

Human Services: 2001 CDBG  
Funds Reallocation for St.  
Stephen Transitional Housing  
Program

This being the date set and proper notices having been posted and published in accordance with local and State laws, Mayor Tanner opened the public hearing to consider the reallocation of St. Stephen Transitional Housing Program's 2001 Community Development Block Grant (CDBG) funds in the amount of \$20,000 from the acquisition of property to the relocation of families.

Karen Marshall, Human Services Manager, explained that the City had previously approved \$20,000 in 2001 CDBG funds to St. Stephen Transitional Housing Program to assist in the acquisition of an 8-10 unit apartment building to be used for housing homeless families earning between 0-30% of median income. This program also received funding from King County, the City of Auburn, the State of Washington and the Federal Home Loan Bank. As a result, a twelve-unit townhouse has been secured at 416 4<sup>th</sup> Street Northeast in Auburn.

Continuing, Ms. Marshall explained that the State of Washington requires that six units be occupied by low income/homeless families within 90 days of acquisition. The project now requests they be allowed to use City funding to provide relocation benefits to tenants displaced by this purchase. Use of CDBG funding solely for relocation of some of the current tenants would not trigger the federal Uniform Relocation Act and would result in significant savings of about \$32,000 in relocation expenses.

Public comment was invited. There being none, it was MOVED BY PARKER, SECONDED BY PERSSON, COUNCIL CLOSE THE PUBLIC HEARING. CARRIED. (See page 428 for Community Services Committee Report regarding the matter.)

Planning: Commercial Office  
Residential 2 Zone Moratorium

This being the date set and proper notices having been posted and published in accordance with local and State laws, Mayor Tanner opened the public hearing to consider extending the moratorium on acceptance and processing of development applications in the Center Office Residential 2 (COR 2) zone for six months.

Sue Carlson, Economic Development, Neighborhoods and Strategic Planning Administrator, explained that Council held a public hearing on October 9, 2000, at which time the COR-2 moratorium was extended until December 11, 2000.

Referring to a map of the COR-2 zoned properties, Ms. Carlson detailed the ownership of each parcel and explained that the purpose of the moratorium was to allow staff adequate time to address the following issues: allocation of the transportation capacity amongst the parcels in an equitable manner; coordination of the public crossings of the railroad; and addressing the shoreline setbacks and the shoreline regulations as mandated by the Endangered Species Act (ESA). Referred to the Planning and Development Committee November 20, 2000 was the issue of deletion of the requirement that had been in place for all parcels to be planned together and for signatures to be on a master plan. If the parcels do not come under the same ownership, there needs to be some other mechanism to ensure that there is an equitable distribution of the transportation capacity, and also that the issues of the neighborhoods and the public crossings be linked together adequately.

Continuing, Ms. Carlson indicated that the COR-2 property has significant transportation constraints, and plans for a new interchange in that area may or may not occur. The Endangered Species Act and shoreline and other setbacks will impact where development can occur on this property. Before the moratorium is lifted, and if the property owners cannot reach agreement on the sale of the property to Vulcan Northwest, the following issues must be addressed:

- allocation of transportation capacity & funding of improvements,
- remediation and clean up of contaminated parcels and timing of those issues,
- setbacks and mitigation for salmon habitat,
- joint planning and management among all parcels for railroad crossings, which are public crossings and will create a liability for the City, and
- assurance that the neighborhood travel concerns are addressed in a cohesive manner.

Ms. Carlson advised that because of a change from the presumption that the development will occur jointly to an assumption that the properties may develop individually, new regulations need to be adopted to resolve the identified issues. It is therefore recommended that Council continue the moratorium until June 11, 2001. The assumption is that once Vulcan Northwest presents a sale agreement, the moratorium will become moot. The moratorium is really a safeguard; it is not meant to constrain development on the property but instead to allow the right kind of development.

Larry Martin, representative for Vulcan Northwest, 110 110<sup>th</sup> Avenue NE, 5<sup>th</sup> Floor, Bellevue, Washington, 98004, was introduced and addressed Council as to where they are at in the negotiating process. He felt very optimistic that an agreement will be reached with the owners of the Barbee Mill property or, if not, a final decision will be made within this next period of extension. Discussions on the terms with which Vulcan would be interested in buying the property are ongoing. Conceptual agreement on all of the terms except one have been reached. On that issue, some very good ideas have been exchanged to resolve the difficult problem dealing with offshore wood-waste that has, through time, created deposits underwater. These deposits may or may not be regulated, and may or may not be required to be cleaned up by various agencies such as the Department of Natural Resources and the Department of Ecology. Unknowns such as what obligations exist, who would be responsible over time, and how obligations would get resolved must be dealt with. Mr. Martin stated that he was optimistic an agreement on the remaining issue would come shortly. Still, some contingencies in the agreement need to be satisfied. Mr. Martin stated that if the moratorium were to be extended six months, it would allow the parties time to reach firm terms and proceed with the normal purchase and sale contingencies, including the abnormal contingency of defining the City's role with respect to the Quendall Terminals property.

Correspondence was read from Alex Cugini, Jr., President, Barbee Forest Products, Inc., PO Box 359, Renton, 98047, expressing the following objections to the COR 2 zone moratorium:

1. He is the only COR 2 zone landowner seeking a permit application.
2. He believes the moratorium denies him the right to develop his property in a manner that is consistent with the City's Comprehensive Plan.
3. The moratorium language is so broad that it prohibits him from taking actions necessary to clean up the property.

Public comment was invited. There being none it was MOVED BY PARKER, SECONDED BY NELSON, COUNCIL CLOSE THE PUBLIC HEARING. CARRIED.

MOVED BY CLAWSON, SECONDED BY KEOLKER-WHEELER, COUNCIL SUSPEND THE RULES AND ADVANCE TO THE RESOLUTION ON THIS SUBJECT. CARRIED.

### **Resolution #3478**

Planning: Commercial Office  
Residential 2 Zone Moratorium

A resolution was read declaring a moratorium on the permitting of development and acceptance of development applications in the Commercial Office Residential 2 (COR 2) zone, and establishing a termination date of June 11, 2001. MOVED BY CLAWSON, SECONDED BY KEOLKER-WHEELER, COUNCIL ADOPT THE RESOLUTION AS READ. CARRIED.

### **ADMINISTRATIVE REPORT**

Chief Administrative Officer Jay Covington reviewed a written administrative report summarizing the City's recent progress towards goals and work programs adopted as part of its business plan for 2000 and beyond. Items noted included:

- \* City Hall lobby volunteers and their guests were recently honored at a dinner hosted by the City Clerk Division staff for their generous service to the City of Renton.
- \* Public works inspectors and plan reviewers will be attending training for, and obtaining certification in, construction site erosion and sedimentation control.

Proper on-site erosion control is key in reducing the impacts on salmon from construction projects.

- \* The Renton Community Center's annual food drive collected and donated over twelve barrels of food to the Renton Food Bank.

## CONSENT AGENDA

Items on the consent agenda are adopted by one motion which follows the listing.

Appointment: Municipal Arts Commission

Mayor Tanner reappointed Virginia Corder, 8205 S. 120th St., Renton, 98178; Nancy Clendaniel, 11545 SE 174<sup>th</sup> St., Renton, 98055; Eleanor L. Simpson, 418 Wells Ave. N., Renton, 98055; and Nancy Hoben, 17434 128th Ave. SE, Renton, 98058, each to the Municipal Arts Commission for a three-year term expiring 12/31/2003. Council concur.

Appointment: Board of Ethics

Mayor Tanner reappointed Karla Fredericksen, 3005 Park Ave. N., Renton, 98056, to the Board of Ethics for a four-year term expiring 01/01/2005. Council concur.

Appointment: Planning Commission

Mayor Tanner reappointed Beverly Franklin, 537 Williams Ave. NE, Renton, 98055, to the Planning Commission for a three-year term expiring 01/31/2004. Council concur.

Appointment: Planning Commission

Mayor Tanner appointed Ray Giometti, 323 Pelly Ave. N., Renton, 98055, to the Planning Commission to fill the vacancy created by Jeff Lukins' resignation; term to expire 01/31/2001. Refer to Community Services Committee.

CAG: 99-077, Highlands Neighborhood Center Reconstruction, CHY4

Community Services Department submitted CAG-99-077, Highlands Neighborhood Center Reconstruction; and recommended approval of the project, authorization for final pay estimate in the amount of \$3,788.14, commencement of 60-day lien period, and release of retained amount of \$43,770.98 to CHY4, Inc., contractor, if all required releases are obtained. Council concur.

Development Services: Boeing Development Agreement for Longacres Office Park Project

Development Services Division requested approval of a development agreement with Boeing to establish applicable development regulations, including a vesting framework and other restrictions, for the Boeing Longacres Office Park development project. Refer to Planning & Development Committee; set public hearing on 12/18/2000.

Development Services: Bronson Short Plat, Dedication of ROW for Bronson Pl NE, SHP-99-016

Development Services Division recommended acceptance of a deed of dedication for additional right-of-way for the extension of Bronson Pl. NE for public road use to fulfill a requirement of the Bronson Short Plat (SHP-99-016). Council concur.

Plat: Clover Creek, Lake Washington Blvd N & N 27th Pl (FP-00-065)

Development Services Division recommended approval of the Clover Creek Final Plat (FP-00-065); 51 single family lots on 15.52 acres located in the vicinity of Lake Washington Blvd. N. and N. 27th Pl. Council concur. (See page for 429 resolution.)

Plat: Briere Creek Division I, NE 18th St & Elma Ave NE (FP-00-140)

Development Services Division recommended approval of the Briere Creek Division I Final Plat (FP-00-140); 12 single family lots on 2.28 acres located in the vicinity of NE 18th St. and Elma Ave. NE. Council concur. (This item, 8.j, pulled from Consent Agenda and considered separately; see page 423. Also see page 429 for resolution.)

Parks: Maplewood Golf Course Greens Fees Increase

Finance & Information Services Department recommended approval of an ordinance increasing the greens fees at Maplewood Golf Course. Refer to Finance Committee.

Finance: 2001 Property Tax

Finance & Information Services Department recommended approval of three



Levy Ordinances	ordinances, one of which establishes the property tax levy for 2001 for general and voter approved levies, and the other two protect future levy limits. Refer to <u>Finance Committee</u> .
Rezone: Gene Coulon Park from P-1 to R-1 (R-00-057)	Hearing Examiner recommended approval of a City-sponsored rezone of Gene Coulon Park located at 1323 Lake Washington Blvd. from P-1 (Public Use) to R-1 (Residential Single Family; one dwelling unit acre) zone. Council concur. (See page for 429 ordinance.)
Utility: Utility System Development Connection Charges Fee Schedule	Planning/Building/Public Works Department recommended approval of an ordinance correcting the Utility System Development Charges. The charges listed in Ordinance 4872, adopted 11/20/2000, have been revised. Council concur. (See page 430 for ordinance.)
Utility: Stormwater & Wastewater Rates	Planning/Building/Public Works Department recommended approval of an ordinance revising the stormwater and wastewater utility rates to reflect the changes approved by the adoption of the 2001 Budget. Council concur. (See page 429 for ordinance.)
Lease: Puget Sound Energy (LAG-73-005) & Jobmaster (LAG-73-001) Rent Increase	Transportation Systems Division requested amending the leases with Puget Sound Energy (LAG-73-005) and Jobmaster (LAG-73-001) at the Renton Municipal Airport to increase rent based on the Consumer Price Index for Urban-Seattle. The rent for Puget Sound Energy will increase from \$.28 to \$.3271 per square foot per year, and the rent for Jobmaster will increase from \$.28 to \$.3220 per square foot per year. Council concur.
Transportation: Commute Trip Reduction Program Funds, WSDOT	Transportation Systems Division recommended approval of a contract with WSDOT to accept \$26,185.47 in funding for the Commute Trip Reduction Program; City match is \$4,086.64. Council concur. (See page 429 for resolution.)
Streets: Burnett Ave S Temporary Closure for Renton Transit Center Construction	Transportation Systems Division requested authorization for the temporary closure for up to seven months of the southbound lane of Burnett Ave. S. between S. 2nd and S. 3rd Streets for construction of the Renton Transit Center. Refer to <u>Transportation Committee</u> .
Utility: Annual Consultant Roster Two-Year Extension	Utility Systems Division requested authorization for a two-year extension of the Annual Consultant Roster for the years 2001 and 2002. Council concur.
City Clerk: South County Public Access Studio, AT&T	City Clerk Division recommended approval of an agreement with AT&T to accept the operating cost buy-out for the South County Public Access Facility conditioned upon a preliminary approval of the IRS of the 501(c)3, non-profit organization, and final approval of the facility location. Refer to <u>Community Services Committee</u> .
<p>MOVED BY CLAWSON, SECONDED BY PARKER, COUNCIL APPROVE THE CONSENT AGENDA AS AMENDED TO REMOVE ITEMS 8.f. and 8.j. CARRIED. (Item 8.f. regarding a contract with SECO Development was deleted from the agenda.)</p>	
<b><u>Separate consideration</u> Item 8.j.</b>	Development Services Division recommended approval of the Briere Creek Division I Final Plat (FP-00-140); 12 single family lots on 2.28 acres located in the vicinity of NE 18th St. and Elma Ave. NE. Council concur.
Plat: Briere Creek Division I, NE 18th St & Elma Ave NE (FP-00-140)	Councilmember Briere excused herself from the Council meeting due to potential conflict of interest. Time: 10:32 p.m.
MOVED BY CLAWSON, SECONDED BY PERSSON, COUNCIL	

APPROVE CONSENT AGENDA ITEM 8.J. CARRIED. (See page 429 for resolution.)

Councilmember Briere returned to the council meeting. Time: 10:35 p.m.

## **OLD BUSINESS**

### **Utilities Committee**

Public Works: Maplewood  
Area Flood Hazard

Utilities Committee Chair Clawson presented a report regarding the Cedar River Floodplain Mapping Status Report. The Utilities recommended Council concurrence with the Planning/Building/Public Works Department's recommendation that the following short-term and long-term actions be taken in coordination with the Community Services Department to address the new flooding hazard within the Maplewood Neighborhood.

1. Notify affected citizens and businesses of the recently identified flood hazard.
2. Prepare emergency response plan in coordination with the Police and Fire Department
3. Procure appropriate flood fighting equipment at the cost of approximately \$25,000 (estimated).
4. Develop preliminary plans and cost estimate for long-term solution.

The Surface Water Utility funding to purchase the recommended flood fighting equipment is appropriated in the Miscellaneous/Emergency Storm Projects CIP fund.

Councilman Clawson added that the City will hold a public meeting on December 13<sup>th</sup>, from 7-9 pm in the Council conference room for Maplewood residents who may be affected by this flooding. They will be able to find out about flood insurance and about emergency response plans. MOVED BY CLAWSON, SECONDED BY KEOLKER-WHEELER, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

### **Community Services Committee**

Appointment: Civil Service  
Commission

Community Services Committee Chair Nelson presented a report recommending concurrence in the Mayor's appointment of James Matthew to an unexpired term on the Civil Service Commission. The six-year term expires December 31, 2004. MOVED BY NELSON, SECONDED BY PARKER, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Human Services: 2001 CDBG  
Funds Reallocation for St.  
Stephen Transitional Housing  
Program

Community Services Committee Chair Nelson presented a report regarding the reprogramming of St. Stephen Transitional Housing Program's 2001 Community Development Block Grant (CDBG) funds. The Committee recommended concurrence with the Human Services Advisory Committee's recommendation to allow the 2001 CDBG funds, which are allocated to the St. Stephen Transitional Housing Program, now be used for relocation costs instead of acquisition of property. MOVED BY NELSON, SECONDED BY PERSSON, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

### **Public Safety Committee**

Police: Released Convicted Sex  
Offender Notification via  
Utility Bills

Public Safety Committee Chair Briere presented a report stating that the committee does not recommend registered sex offender notifications be enclosed in City utility billings. Doing that could delay some notifications and provide information that would no longer be accurate. Current Police Department policy ensures timely notifications to residential neighborhoods, schools, Parks Department, churches, media, the City's web site, and child care centers. Notification information is updated on a scheduled basis. Offender contact is made by the Police Department face to face, unannounced, and is documented by the offender's signature. The Committee also requested that Police Chief prepare a return letter to Ms. Quesenberry outlining this information. MOVED BY

BRIERE, SECONDED BY PARKER, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

**Planning & Development Committee**

Planning: Renton Village Properties Request for Comprehensive Plan Amendment

Planning & Development Committee Chair Keolker-Wheeler presented a report regarding the request from Michael Sandorffy of Renton Village Properties for a 2001 Pre-Application Comprehensive Plan Amendment. The Committee met on November 21st to review the concept of allowing a broader range of land uses at the Renton Village property. A change in the land use designation from Employment Area Commercial to something similar to the mixed-use core was requested. Staff recommended further study of the Employment Area Office designation or a new designation be established through zoning or the Comprehensive Plan review process.

The Committee further found that the application is timely and meets the following review criteria set forth in the City Code, Title IV, Section 4-9-020G:

1. The request supports the vision embodied in the Comprehensive Plan; and
2. The request supports the adopted Business Plan Goals adopted by the City Council.

The Committee recommended that the application be forwarded to the Planning Commission upon receipt of a complete formal application.

Councilmember Keolker-Wheeler explained that this is the new process for Comprehensive Plan Amendments, and that this process simply refers the matter on to staff and the Planning Commission to review the Renton Village Property proposal. There will be sufficient opportunity at a later date for public input. A prior development plan at this site a number of years ago was abandoned by the applicant.

MOVED BY KEOLKER-WHEELER, SECONDED BY CLAWSON, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

**ORDINANCES AND RESOLUTIONS**

**Resolution #3479**

Plat: Clover Creek, Lake Washington Blvd N & N 27th Pl (FP-00-065)

A resolution was read approving the Clover Creek Final Plat; 15.52 acres located in the vicinity of Lake Washington Blvd. N. and N. 27th Pl. (FP-00-065).

MOVED BY CLAWSON, SECONDED BY NELSON, COUNCIL ADOPT THE RESOLUTION AS READ. CARRIED.

**Resolution #3480**

Plat: Briere Creek Division I, NE 18th St & Elma Ave NE (FP-00-140)

City Attorney Larry Warren stated that since Councilmember Briere had already excused herself on the motion to advance this resolution, she did not need to leave Chambers as long as she does not vote.

A resolution was read approving the Briere Creek Division I Final Plat; 2.28 acres located in the vicinity of NE 18th St. and Elma Ave. NE. (FP-00-140)

MOVED BY CLAWSON, SECONDED BY KEOLKER-WHEELER, COUNCIL ADOPT THE RESOLUTION AS READ. CARRIED.

**Resolution #3481**

Transportation: Commute Trip Reduction Program Funds, WSDOT

A resolution was read authorizing the Mayor and City Clerk to enter into an interlocal agreement with the Washington State Department of Transportation for Commute Trip Reduction funding. MOVED BY CLAWSON, SECONDED BY NELSON, COUNCIL ADOPT THE RESOLUTION AS READ. CARRIED.

The following ordinances were presented for first reading and referred to the Council meeting of 12/11/00 for second and final reading:

Rezone: Gene Coulon Park  
from P-1 to R-1 (R-00-057)

An ordinance was read changing the zoning classification of Gene Coulon Park, approximately 55.33 acres located at 1323 Lake Washington Blvd., from P-1 (Public Use) to R-1 (Residential Single Family; one dwelling unit per acre) zone. MOVED BY KEOLKER-WHEELER, SECONDED BY NELSON, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 12/11/2000. CARRIED.

Utility: Stormwater &  
Wastewater Rates

An ordinance was read amending Sections 8-2-2.G and 8-2-3.E.1 of Chapter 2, Storm and Surface Water Drainage, and Section 8-5-15.D of Chapter 5, Sewers, of Title VIII (Health and Sanitation) of City Code by revising stormwater and wastewater utility rates. MOVED BY CLAWSON, SECONDED BY KEOLKER-WHEELER, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 12/11/2000. CARRIED.

The following ordinance was presented for first reading and advanced to second and final reading:

Utility: Utility System  
Development Connection  
Charges Fee Schedule

An ordinance was read amending Section 4-1-180.I of Chapter 1, Administration and Enforcement, of Title IV (Development Regulations) of City Code by changing the fee schedule for Utility System Development Charges. MOVED BY CLAWSON, SECONDED BY NELSON, COUNCIL ADVANCE THE ORDINANCE FOR SECOND AND FINAL READING. CARRIED.

**Ordinance #4875**

Utility: Utility System  
Development Connection  
Charges Fee Schedule

Following second and final reading of the above ordinance, it was MOVED BY CLAWSON, SECONDED BY NELSON, COUNCIL ADOPT THE ORDINANCE AS READ. ROLL CALL: ALL AYES. CARRIED.

The following ordinances were presented for second and final reading and adoption:

**Ordinance #4876**

Annexation: Knight, 144th Ave  
SE & SE 132nd St

An ordinance was read annexing approximately 46 acres located between 144th and 148th Ave. SE from the city limits south to SE 132nd St., and between 146th Ave. SE and 148th Ave. SE from SE 132nd St. to SE 136th St; and two lots north of SE 129th St. and west of 144th Ave. SE to the City of Renton (Knight Annexation). MOVED BY KEOLKER-WHEELER, SECONDED BY NELSON, COUNCIL ADOPT THE ORDINANCE AS READ. ROLL CALL: ALL AYES. CARRIED.

**Ordinance #4877**

Annexation: Knight, R-5 & R-8  
Zoning

An ordinance was read establishing the zoning classification for the Knight Annexation area from R-4 (Industrial and Office; King County zoning) to R-5 (Residential Single Family; five dwelling units per acre) and R-8 (Residential Single Family; eight dwelling units per acre). MOVED BY KEOLKER-WHEELER, SECONDED BY NELSON, COUNCIL ADOPT THE ORDINANCE AS READ. ROLL CALL: ALL AYES. CARRIED.

**Ordinance #4878**

Finance: 2000 Solid Waste  
Ordinance

An ordinance was read adding to and amending Sections 8-1-9.A, 8-1-9.B and 8-1-9.C of Chapter 1, Garbage, of Title VIII (Health & Sanitation) of City Code related to year 2000 services and utility rates for all customer classes. MOVED BY KEOLKER-WHEELER, SECONDED BY CLAWSON, COUNCIL ADOPT THE ORDINANCE AS READ. ROLL CALL: ALL AYES. CARRIED.

**Ordinance #4879**

Vacation: St. Anthony Parish,  
Alley Between Whitworth &

An ordinance was read vacating an alley, located north of S. 4th St. and between Whitworth and Shattuck Avenues S. (St. Anthony Parish; VAC-00-001). MOVED BY KEOLKER-WHEELER, SECONDED BY NELSON, COUNCIL

Shattuck, North of S 4th St  
(VAC-00-001)

ADOPT THE ORDINANCE AS READ. ROLL CALL: ALL AYES.  
CARRIED.

**NEW BUSINESS**

Finance: Status of Fund 421,  
Utility Capital Improvement  
Fund, and 403, Solid Waste  
Fund

Councilmember Parker stated that through October, Fund 421, Waterworks Utility Capital Improvement Project Fund, had spent approximately \$3,805,000 against a budget of about \$11,924,000. The Solid Waste Utility Fund 403 was also doing well. MOVED BY PARKER, SECONDED BY PERSSON TO REFER THOSE TWO ITEMS TO THE FINANCE COMMITTEE.  
CARRIED.

Finance: I-722 Injunction

Mayor Tanner reported one item of new business from the administration which relates to the Thurston County suit on I-722, the status of the injunction and its applicability to the various issues.

City Attorney Larry Warren stated that Thurston County Superior Court has issued an injunction against the State of Washington Department of Revenue and several county assessors concerning the implementation of the property tax rollback and limitation measures of I-722. Following, the court indicated that it was only applicable to those governments, cities and counties that had sued; consequently, it did not include the City of Renton. Since then the Department of Revenue has advised, because of tax uniformity concerns, they would make the injunction applicable to all counties across the state. There are some outstanding issues that are not covered for the City of Renton, including the section of I-722 concerning tax increases or fee increases between July and December of 1999. That is still an issue that has not been decided by the court and for which the City of Renton has no guidance at the current time. Mr. Warren stated he was in contact with a number of city attorneys involved in the litigation, or who are planning to become involved, but as a result of the Department of Revenue's ruling, some of the cities are dropping out that otherwise might be involved. If the City wishes to join the litigation, it could file a Motion to Intervene in the existing lawsuit in Thurston Co. If the court should turn the City down, a separate lawsuit could be filed.

Mayor Tanner added that with respect to the property tax, the County Assessor is enjoined from taking any action to implement I-722, so the City is covered with regards to property tax issue. But with other aspects of I-722, the City has no coverage. Therefore, Council is being asked to authorize the city attorney to file a Motion to Intervene. Cost of such action would be about \$1000, including travel to Thurston County, according to Mr. Warren.

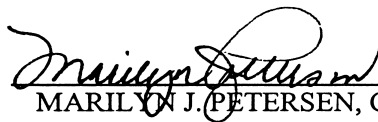
Councilman Persson expressed concern with the proposed action since the voters were in favor of I-722. Mayor Tanner explained that I-722 will be most likely declared unconstitutional, and the City should not be put in a compromising position. Having the city attorney file the Motion to Intervene in the near future would include the City in the injunction that has been applied to property tax assessors throughout the state, but not to other parties throughout the state.

Continuing, Mayor Tanner stated that safeguards need to be taken to protect the City's assets. The cost amounts to about \$800,000 for property tax refunds from the current 2001 budget, and \$500,000 in refunds out of the 2000 budget. Fees are not enjoined, but the City could be sued for property tax.

MOTION BY NELSON, SECONDED BY PARKER, COUNCIL  
AUTHORIZE THE CITY ATTORNEY TO FILE A MOTION TO  
INTERVENE IN THE THURSTON COUNTY LAWSUIT. CARRIED.

**ADJOURNMENT**

MOVED BY NELSON, SECONDED BY CLAWSON, COUNCIL ADJOURN.  
CARRIED. Time: 11:06 p.m.

A handwritten signature in cursive script, appearing to read "Marilyn J. Petersen", is written over a horizontal line.

MARILYN J. PETERSEN, CMC, City Clerk

Recorders: Michele Neumann and Bonnie Walton  
December 4, 2000